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PTO/SB/21 (02-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application No.	10/734,366
Filing Date	Dec. 12, 2003
First Named Inventor	Gerard R. Lazo et al.
Art Unit	2171
Examiners Name	Not yet assigned
Total Number of Pages in This Submission	7 + References
Attorney Docket Number	0094.03

ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form
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Form PTO/SB/08 (2 pages)
5 References Cited |
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Remarks:

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	David R. Nicholson
Signature	
Date	June 3, 2004

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Signature	
Date:	June 3, 2004

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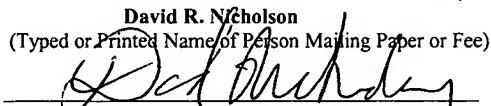
Appl. No. 10/734,366
Information Disclosure Statement

PATENT

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(Typed or Printed Name of Person Mailing Paper or Fee)


(Signature of Person Mailing Paper or Fee)

Appl. No. : 10/734,366
Applicant : Gerard R. Lazo et al.
Filed : Dec. 12, 2003
TC/A.U. : 2171
Examiner : Not yet assigned

Confirmation No. 2526

Docket No. : 0094.03
Customer No. : 25278

Commissioner for Patents
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Alexandria, Virginia 22313-1450

Information Disclosure Statement

(Submission Prior to Final Rejection or Notice of Allowance)

Sir:

Pursuant to 37 CFR 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office (except U.S. patent applications) are listed on PTO/SB/08, attached hereto.

II. COPIES (check at least one item)

OG Notice 05 August 2003: The office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. Patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003.

- a. X Submitted herewith is a legible copy of (i) each foreign patent document; (ii) each publication or that portion which caused it to be listed; (iii) for each cited U.S. patent and pending U.S. application, a listing of that portion of the application which caused it to be listed and (iv) all other information or that portion which caused it to be listed.
- b. Any patents, publications or other information which are listed on PTO/SB/08 or on the copies of PTO 892 but which are not enclosed herewith were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 USC 120:

U.S. Serial Number

U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one item)

- a. X Except as may be indicated below in (b), all patent, publications or other information are in the English language (concise explanation not required).
- b. A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. The following additional information is provided for the Examiner's consideration:

IV. CROSS REFERENCE TO RELATED APPLICATIONS

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) application(s) to the Examiner's attention, applicant does not waive the confidentiality provisions of 35 USC 122:

Serial No.
60/498,840

Filing Date
08/29/2003

Art Unit

FEES

- V. THIS IDS IS BEING FILED UNDER 37 CFR 1.97(b): (check one item)
- a. ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53 (d). [37 CFR 1.97(b)(1)].
No fee or statement is required.
- b. ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application [37 CFR 1.97(b)(2)].
No fee or statement is required.
- c. ☐ Before the mailing date of the first Action on the merits [37 CFR 1.97(b)(3)].
No fee or statement is required.
- d. ☒ Before the mailing of a first office action after the filing of a request for continued examination under § 1.114 [37 CFR 1.97 (b)(4)].
No fee or statement is required
- VI. THIS IDS IS BEING FILED UNDER 37 CFR 1.97(c):
before the mailing date of a Final Office Action under 37 CFR 1.113 [See 37 CFR 1.97(c)(1)] or before the mailing date of a Notice of Allowance under 37 CFR 1.311 [See 37 CFR 1.97(c)(2)]. (check one item)
- a. ☐ No statement; therefore, a fee in the amount of \$ _____ is required by 37 CFR 1.17(p); or
- b. ☐ See the statement below. No fee is required.
- VII. Statement Under 37 CFR 1.97(e)
The undersigned hereby certifies that: (check only one item)
- a. ☐ each item of information contained in the IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this statement.

- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication for a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no items of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this statement.

VIII. Payment of Fees (check one item)

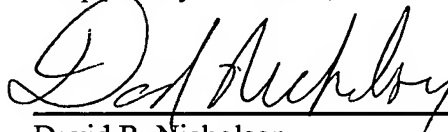
- a. ☒ NO FEE IS REQUIRED.
- b. ☐ Please charge Deposit Account No. 50-2135 in the amount of \$ _____ for the above-indicated fee. A duplicate copy of this paper is attached.

This disclosure Statement is not to be construed as a representation that (i) a search has been made; (ii) additional information material to the examination of this application does not exist; or (iii) the cited information constitutes prior art in the subject application.

If this IDS is determined to not fully comply with the rules, the Examiner is urged to contact the undersigned.

Please charge any additional fees or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Deposit Account 50-2135.

Respectfully submitted,



David R. Nicholson
Attorney of Record
Registration No. 38,981

Telephone: (510) 559-5731
or 559-6067

Enclosures

- ☒ PTO/SB/08 (2 pages)
☐ PTO-892
☒ References (5)
☐ Foreign Search Report
☐ Fee
☐ Other:



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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many as necessary)

Complete if Known

Application Number	10/734,366
Filing Date	Dec. 12, 2003
First Named Inventor	Gerard R. Lazo et al.
Art Unit	2171
Examiner Name	
Attorney Docket No.	0094.03

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David R. Nicholson

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number - Kind Code ²	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA1	US- 6,522,782 B2	02/18/2003	Pass et al.	
	AB1	US- 6,567,540 B2	05/20/2003	Balaban et al.	
	AC1	US- 6,629,097 B1	09/30/2003	Keith	
	AD1	US- 6,631,331 B1	10/07/2003	Sabry et al.	
	AE1	US- 6,633,819 B2	10/14/2003	Rzhetsky et al.	
	AF1	US- 6,651,008 B1	11/18/2003	Vaisberg et al.	
		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵				

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many as necessary)

Complete if Known

Application Number	10/734,366
Filing Date	Dec. 12, 2003
First Named Inventor	Gerard R. Lazo et al.
Art Unit	2171
Examiner Name	
Attorney Docket No.	0094.03

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	AG1	KUMAR, S., et al., "BEST: A Novel Computational Approach for Comparing Gene Expression Patterns From Early Stages of <i>Drosophila melanogaster</i> Development," (2002) <i>Genetics</i> 162:2037-2047.	
	AH1	KAMINSKI, N., "Bioinformatics A User's Perspective," (2000) <i>Am. J. Respir. Cell Mol. Biol.</i> 23:705-711.	
	AI1	ARAVIND, L. and Koonin, E.V., "Gleaning Non-trivial Structural, Functional and Evolutionary Information About Proteins by Iterative Database Searches," (1999) <i>J. Mol. Biol.</i> 287:1023-1040.	
	AJ1	GRACY, J. and Argos, P., "Automated protein sequence database classification. I. Integration of compositional similarity search, local similarity search, and multiple sequence alignment," (1998) <i>Bioinformatics</i> 14(2):164-173.	
	AK1	ALTSCHUL, S.F. et al., "Basic Local Alignment Search Tool," (1990) <i>J. Mol. Biol.</i> 215: 403-410.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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